

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
BRIAN S. MILLER, JUDGE

DIVISION II

CACR06-1015

April 11, 2007

BRUCE MOORE
APPELLANT

v.

STATE OF ARKANSAS
APPELLEE

AN APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT
[CF2006-121]

HONORABLE JOHN LANGSTON,
JUDGE

AFFIRMED

A Pulaski County jury found appellant Bruce Moore guilty of committing two counts of terroristic acts, and he was sentenced to fifty-five years in the Arkansas Department of Correction. Moore now asserts that the trial court erred when it allowed testimony into evidence concerning his post-arrest threat to a North Little Rock Police detective. We affirm.

On November 13, 2005, at approximately 2:40 a.m., Moore called his estranged wife, Jacqueline Givens, and told her that “it’s going to be some gun play.” Soon thereafter, Givens fell asleep only to be awakened by bullets being shot through her window. Givens and her roommate, Raeshelle Edwards, called 9-1-1.

Moore was arrested on November 25, 2005, and gave a statement to North Little Rock Police Detective Mike Cook. While being transported to jail, Moore told Detective Cook that he knew where Detective Cook worked and made the sound of a gun firing.

At his trial, Moore objected to Detective Cook's testimony regarding his threat to Detective Cook. He argued that the testimony was irrelevant and that its prejudicial effect outweighed its probative value. The trial court admitted the testimony.

The jury convicted Moore of committing two counts of terroristic acts and, because the offenses were committed with a firearm, his sentences were enhanced pursuant to Ark. Code Ann. § 16-90-120 (Repl. 2006). Moore was sentenced to twenty years' imprisonment on each count of terroristic act and seven and one-half years on each firearm enhancement. He was ordered to serve the sentences consecutively for a total sentence of fifty-five years.

Moore's sole point on appeal is that the trial court erred in allowing the jury to hear evidence of his threat to Detective Cook. Trial courts have wide discretion in evidentiary rulings and they must abuse their discretion to justify a reversal of an evidentiary ruling. *Harris v. State*, 366 Ark. 190, ___ S.W.3d ___ (2006); *Simmons v. State*, 95 Ark. App. 114, ___ S.W.3d ___ (2006). As a general rule, all relevant evidence is admissible. *Ridling v. State*, 348 Ark. 213, 72 S.W.3d 466 (2002); *Fowler v. State*, 339 Ark. 207, 5 S.W.3d 10 (1999). Relevant evidence is defined as any "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would without the evidence." Ark. R. Evid. 401. Even relevant evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice. *Dye v. State*, 70 Ark. App. 329, 17 S.W.3d 505 (2000).

The trial court did not abuse its discretion in permitting Detective Cook to testify

about the threat made to him by Moore. Moore's threat to Detective Cook was relevant because it involved a threat substantially similar to the one made to Givens immediately before her home was fired upon. We further find that the probative value of Detective Cook's testimony outweighed its prejudicial effect. For these reasons, we affirm.

Affirmed.

PITTMAN, C.J., and MARSHALL, J., agree.